ADAMS EVANS P.A.

INTELLECTUAL PROPERTY ATTORNEYS

2180 Two Wachovia Center 301 South Tryon Street Charlotte, North Carolina 28282-1991 Telephone: (704) 375-9249 Facsimile: (704) 375-0729





W. TIIAD ADAMS, IH J. SCOTT EVANS STEPHEN S. ASHLEY, JR. MATTHEW J. LADENHEEM JONATHAN M. TIINES BRANDON C. TREGOT

ADMITTED IN WEST VIRGINIA NOT ADMITTED IN NORTH CAROLINA

FACSIMILE TRANSMISSION

TO:

Examiner

Art Unit 1761

FROM:

Jonathan M. Hines

Reg. No. 44,764

DATE:

November 19, 2003

FAX NO:

(703) 872-9310

RE:

U.S. Serial No. 09/655,223

CONFIRMATION COPY

YES

NO

1

TO FOLLOW:

NUMBER OF PAGES Cover + 12

MESSAGE:

Please see the attached Response to Office Action dated 02/07/2003 for

USSN 09/655,223.

Also, please confirm receipt of this facsimile. Thank you.

If any problems in transmission occur, please contact

Kris Pierce,

Legal Assistant

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION AND ANY ATTACHMENTS MAY CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE AND/OR ATTORNEY WORK PRODUCTIMMUNITY. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE RECIPIENT NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE DOCUMENTS AT OUR EXPENSE.

| | U.S. Pater | it and Trademark Office: | : U.S. DI | PTO/56/21 (06/03) in 08/30/2003, OMB 0651-0031 PARTMENT OF COMMERCE | |
|---|---|--|---|---|--|
| Under the Paperwork Reduction Act of 1915, no | Application Number | 09/655,223 | II GISOIA | VY A VISIT CRAS EXAMO TIME ST. | |
| TRANSMITTAL | Filing Date | 09/05/2000 | | | |
| FORM | First Named Inventor | Scott, John Clare Wills | | | |
| (to be used for all correspondence after lighted fith | Art Unit | 1761 | | | |
| (10 po anna 12 an aontagas anna 1 | Examiner Name | Woinstein, Steven L. | | ** P 144 DEIN E FINNE 120- | |
| | Attorney Docket Number | 148/244 | | | |
| Total Number of Pages in This Submission | 13 Allomey Docker Number | 140244 | | | |
| ENCLOSURES (Check all that apply) | | | | | |
| Response to Missing Partu/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 | Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Additional Disclaimer Request for Refund CD, Number of CD(s) Remarks If there any additional fees due, please of | to To Apport App | echnologal Con ppeals cal Con part Noti prietary us Lette or Enclodiffy belo | osure(s) (piense ow): | |
| ŞIGNAT | URE OF APPLICANT, ATTORN | IEY, OR AGENT | | | |
| Firm or Individual name Jonathan M. Hincs, Reg. N. ADAMS EVANS P.A. | | | | | |
| | . Hines | | | | |
| Dato \$\(\frac{\final}{119/2003}\) | | | | | |
| CE | RTIFICATE OF TRANSMISSIO | N/MAILING | | | |
| I horoby cortify that this correspondence is be sufficient postage as first class mail in an enve the date shown below. | ing facsimile transmitted to the USPTO c alope addressed to: Commissioner for Pa | or deposited with the latents, P.O. Box 1450 | United (), Alexa | Slates Postal Service with andria, VA 22313-1450 on | |
| Typod or printed name Kris Pierce | | | | | |
| Signature (MA) | reice. | | Date | 11/19/2003 | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or return a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated in 12 minutes to complete, including guittering, preparing, and submitting this completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patont and Tradomark Office, U.S. Department of Constitutes, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patonts, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

23638 **23638**

. Attorney's Docket No. 148/244

Patent Trademark Office

PTO/SR/17 (01-03) ough 04/30/2003, OMH 0651-0032

| Approved for use through tet/30/2003. OMH 0551-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE: U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE: Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unline; it displays a valid QMB control number. | | | | | | |
|--|--|---|--|--|--|--|
| | Complete if Known | | | | | |
| FEE TRANSMITTA | Application Number 09/655, 223 | | | | | |
| f- " EV 2002 | Filing Date 09/05/2000 | | | | | |
| for FY 2003 | First Named Inventor SCOTEP | | | | | |
| Effective 01/01/2003 Putent fees are subject to annual revision | Examiner Name WEINSTEIN | | | | | |
| Applicant claims small entity status. See 37 CFR 1.27 | Art Unit 1761 | | | | | |
| TOTAL AMOUNT OF PAYMENT (\$) 475.00 | THE PARTY AND TH | | | | | |
| METHOD OF PAYMENT (check all that apply) | FEE CALCULATION (continued) | | | | | |
| Check Credit card Money Other None | 3. ADDITIONAL FEES | | | | | |
| Order Donais Character | Largo Entity Small Entity | | | | | |
| Doposit Account | Fee Fee Fee Fee Fee Description Code (\$) Code (\$) | Pald | | | | |
| Account 01-0265 | 1051 130 2051 65 Suicharge - late filing fee or oath | | | | | |
| Deposit Admin Thereses Yo A | 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet | | | | | |
| Namu | 1053 130 1053 130 Non-English specification | | | | | |
| The Commissioner is authorized to: (check all that apply) XXCharge fee(s) indicated below XXCharge fee(s) indicated below | 1812 2,520 1812 2,520 For filing a request for ex parte reexamination | | | | | |
| KX Charge any additional foots) HARRESTEN IN XXXXXII FARESTEN IN THE CONTROL OF T | 1804 920' 1804 920' Requesting publication of SIR prior to Examiner action | | | | | |
| Charge fue(s) indicated below, except for the filling foo | 1805 1,840* 1805 1,840* Requesting publication of SIR after | | | | | |
| to the above-identified deposit account | | | | | | |
| FEE CALCULATION | 1252 410 2252 205 Extension for reply within second month | | | | | |
| 1. BASIC FILING FEE | 1253 930 2253 465 Extension for reply within third month | 175 | | | | |
| Fee Fee Foo Foo Fee Description Fee Paid | 1254 1,450 2254 725 Extension for reply within fourth month | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | | | |
| Code (\$) Code (\$) 1001 750 2001 376 Uhity filing for | 1255 1,970 2255 985 Extension for reply within fifth month | \dashv | | | | |
| 1002 330 2002 165 Design filing fee | 1401 320 2401 160 Notice of Appeal | | | | | |
| 1003 520 2003 260 Plant filing fee | 1402 320 2402 160 Filing a brief in support of an appeal | \dashv | | | | |
| 1004 750 2004 375 Reissua filing fcc | 1403 280 2403 140 Request for oral hearing 1451 1,510 1451 1,510 Petition to institute a public use proceeding | | | | | |
| 1005 100 2005 80 Provisional filing fee | 1452 110 2452 55 Pertion to revive - unavoidable | | | | | |
| SUBTOTAL (1) (\$) -0- | 1453 1,300 2453 650 Petition to revive - unintentional | | | | | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | 1501 1,300 2501 650 Utility issue fee (or reissue) | | | | | |
| Talga Claims below Fee Paid |)] · · · | | | | | |
| Total Claims -20** = X = Independent .3** = X | 1503 630 2503 315 Plant Issue fee 1460 130 1460 130 Petitions to the Commissioner | — | | | | |
| Claims Mulliple Depundent | 1460 130 1460 130 Pelitions to the Contributions 1 1607 50 1807 50 Processing fee under 37 CFR 1.17(q) | | | | | |
| Large Collty & Small Follty | 1806 180 1806 180 butmission of Information Disclosure Stml | | | | | |
| For For For the For Description Code (5) Code (5) | ners and again as Recording each patient assignment per | | | | | |
| 1202 18 2202 9 Chaims in excess of 20 | 1909 750 2800 375 Filing a submission after final rejection | $\neg \neg$ | | | | |
| 1201 81 2201 42 Independent claims in excess of 3 | (37 CFR 1.129(a)) | - | | | | |
| 1203 280 2203 140 Multiple dependent claim, if not paid | 1810 750 2810 375 For each additional invention to be examined (37 CFR 1 129(b)) | | | | | |
| 1704 84 2204 42 ** Reissue independent claims over original patient | 1801 750 7801 375 Request for Continued Examination (RCE) | | | | | |
| 1205 18 2205 9 ** Roissud dwns in excess of 20 and over original patent | 1802 900 1802 900 Request to expedited examination of a decign application | | | | | |
| SUBTOTAL (2) (\$) -0- | Other tee (specify) | | | | | |
| or number previously paid, if greater, For Ressues, see above | Reduced by Basic Filing Fox: Paid SUBTOTAL (3) (\$) 475.00 | | | | | |
| SUBMITTED BY (Complete (6 sophicable) | | | | | | |
| Name (Frant Typu) Jonathan M. Hines | Rivingtration No. 44,764 Telephone 704.375.924 | 49 | | | | |
| Signature Cornette M. Hines | Date 11-19-200 | 3 | | | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

De included on this form. Provide credit data information and authorization of PTO-2038.

This delication of information is required by 37 CFR 1.17 and 1.27. The information are quired to obtain or reduit a benefit by the public which is to file (and by the USPFO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This coffection is estimated to take 12 minutes to complete usefuling the completed application form to the USPTO. Time will vary depending upon the undividual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Traderpark Office, U.S. Department of Commence, Westington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO TO TOWN TO THIS ADDRESS.